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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 ANTHONY EUGENE LEWIS,)

9 Plaintiff,)

10 v.)

11 CITY OF SEATTLE, et al.,)

12 Defendants.)

Case No. C07-1517- MJP-BAT

**ORDER OF DISMISSAL AS TO
DEFENDANTS CITY OF SEATTLE
AND GIL KERLIKOWSKE**

13 The Court, having reviewed plaintiff's Amended Complaint (Dkt. 18) in this 42 U.S.C. §
14 1983 civil rights action, together with all material in support of those documents, defendants'
15 Motion For Dismissal, the Report and Recommendation of United States Magistrate Judge Brian
16 A. Tsuchida, the governing law, and the balance of the record, does hereby ORDER:

- 17 1) The Court adopts the Report and Recommendation;
- 18 2) The Court has received and reviewed Plaintiff's Objections. (Dkt. No. 89.)
- 19 Plaintiff claims Defendant Kerlikowske's and the City of Seattle's failure to
- 20 adequately discipline the arresting officers deprived Plaintiff of his rights. (Id. at
- 21 6.) The Court agrees with Magistrate Judge Tsuchida that Plaintiff "has not
- 22 identified a particular omission or deficiency in the City's policies or procedures or
- 23 that any deficiency caused the harm of which he complains." (Dkt. No. 78 at 6.);

3) Defendants' Motion for Dismissal (Dkt. 52) is GRANTED as to defendants City of Seattle and Gil Kerlikowske and the Amended Complaint (Dkt. 18) is DISMISSED with prejudice against those defendants;

4) The Clerk of Court is directed to send copies of this Order to the parties and to Magistrate Judge Brian A. Tsuchida.

DATED this 9th day of May, 2009.

Wash. Belton

Marsha J. Pechman
United States District Judge